

1                   BEFORE THE  
2                   DEPARTMENT OF AGRICULTURE  
3           ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
4                   DOCKET NO. 00-008-1  
5                   IMPORTED FIRE ANTS  
6  
7

8                   Hall of Administration  
9           Board of Supervisors Ante Room  
10                  First Floor  
11                  10 Civic Center Plaza  
12                  Santa Ana, California  
13  
14

15  
16                   Thursday,  
17                  March 30, 2000  
18                  9:27 a.m.

1 APPEARANCES:

2

3 On behalf of the Department of Agriculture:

4

5 MICHAEL A. LIDSKY, ESQ.

6 Assistant Director, Regulatory Coordination

7 RONALD P. MILBERG, Operations Officer

8 United States Department of Agriculture

9 Animal and Plant Health Inspection Service

10 Plant Protection and Quarantine

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15 HOMER L. COLLINS, Station Leader

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1                   P R O C E E D I N G S

2   (9:27 a.m.)

3                   MICHAEL A. LIDSKY, USDA

4           MR. LIDSKY: Good morning, and welcome to the  
5 Animal and Plant Health Inspection Services public meeting  
6 to discuss issues related to the administration of the  
7 imported fire ant program by Plant Protection and Quarantine  
8 in light of reduced funding for fiscal year 2000.

9           My name is Mike Lidsky. I've been asked by the  
10 Deputy Administrator for Plant Protection and Quarantine to  
11 be the moderator for today's meeting. With me are Mr. Ron  
12 Milberg and Mr. Homer Collins.

13           Mr. Milberg is on my left, and he is the Senior  
14 Staff Officer for the Invasive Species and Pest Management  
15 Staff in Riverdale, Maryland. This is the staff that  
16 provides headquarters support to the imported fire ant  
17 program.

18           Mr. Homer Collins is the research leader at the

19 Gulfport, Mississippi, Plant Methods Lab, and this lab is  
20 charged with developing regulatory treatments for the  
21 imported fire ant program. He's on my right.

22       The purpose of today's meeting in Santa Ana is to  
23 give interested persons an opportunity to present their  
24 views or questions on the three options that APHIS has  
25 presented for comment, as well as to present other possible

1 options for administering the imported fire ant regulatory  
2 program in light of reduced funding.

3 Notice of today's meeting was published in the  
4 Federal Register on March 2nd, on pages 11281 through 11283,  
5 and extra copies of this notice are available at the  
6 registration table.

7 Today's meeting in Santa Ana is the last of four  
8 public meetings we're holding to solicit views from  
9 interested persons. The first three meetings were held in  
10 Raleigh, North Carolina, Orlando, Florida, and Austin,  
11 Texas.

12 The format for today's meeting will be as follows.  
13 After I complete my remarks on the procedural aspect of the  
14 meeting, Mr. Milberg will make a short presentation on the  
15 history of the imported fire ant regulatory program, as well  
16 as regulatory options we've asked persons to comment on.

17 Should any questions arise about the regulatory  
18 treatments that are currently available or new regulatory or

19 control strategies that the Agency is pursuing, Mr. Collins

20 would be the best person to answer those questions.

21 Persons who have registered to speak will be given

22 an opportunity to speak before unregistered persons.

23 Today's meeting is scheduled to conclude at

24 5:00 p.m. However, we will conclude the meeting before 5:00

25 if all persons who have registered to participate have been

1 heard and there are no other persons that wish to speak.

2 I will announce any other procedural rules for the  
3 conduct of today's meeting as may be necessary. All  
4 comments made here today are being recorded and will be  
5 transcribed. The court reporter for today's meeting is  
6 Ms. Nancy Paladino, who is associated with the Heritage  
7 Reporting Corporation in Washington, D.C.

8 Those persons wishing to receive a copy of the  
9 transcript should contact the Heritage Reporting Service at  
10 (202) 628-4888. A copy of the transcript shall be posted on  
11 the APHIS web site at [www.aphis.usda.gov](http://www.aphis.usda.gov) in approximately  
12 eight business days.

13 A copy of the transcript shall also be made  
14 available for public inspection at the APHIS Reading Room in  
15 Room 1141 of USDA South Building, 14th and Independence,  
16 Washington, D.C.

17 As the moderator, I'll call each person that's  
18 registered to make a prepared statement. Before commencing

19 your remarks, please state and spell your last name for the  
20 benefit of the court reporter.

21 In accordance with the procedures noted in the  
22 March 2nd Federal Register notice, I'm requesting that  
23 anyone that reads a prepared statement please provide Ms.  
24 Sue McAuley, who's seated in the front of the room, with a  
25 copy of your prepared remarks.

1 Any written as well as any oral statements  
2 submitted or presented at today's meeting, as well as any  
3 written comments submitted prior to the close of the comment  
4 period, shall become part of the public record. As a  
5 reminder, the comment period closes on May 1.

6 If an individual's comments do not relate to the  
7 stated purpose of the meeting, which is to present comments  
8 or questions on the proposed options or to propose other  
9 options, it will be necessary for me to ask the speaker to  
10 focus his or her comments accordingly.

11 Any comments in addition to those presented at  
12 today's meeting should be submitted to Docket Number  
13 00-008-1, Regulatory Analysis and Development, PPD, APHIS,  
14 Suite 3C03, 4700 River Road, Unit 118, Riverdale, Maryland  
15 20737. That address appears in the Federal Register notice.  
16 When submitting such comments by mail, please submit an  
17 original and three copies.

18 Lastly, we ask that, before you leave today, if

19 you'd please take a minute or two to complete a brief survey  
20 on the quality of today's meeting. We'd like to get some  
21 information as to accommodations and how we've been  
22 conducting these meetings, to see if it's been satisfactory  
23 to you. Copies of the survey are available at the  
24 registration desk, or I have some up front.

25       After Ron Milberg's presentation, I will call our

1 first registered speaker, who is Secretary of Agriculture  
2 William Lyons.

3 Ron, why don't you commence.

4 RONALD P. MILBERG, USDA

5 MR. MILBERG: Thank you, Mike.

6 This is my telephone number and so on, if anyone  
7 wishes to contact me. Today I'll provide some background  
8 information on the IFA program, and then talk about how it's  
9 evolved over the years, and, finally, discuss today's  
10 situation a little bit.

11 Imported fire ants, or IFA, were introduced into  
12 the southern states 60 to 80 years ago. After the ants were  
13 first observed, around 1920, landowners in infested areas  
14 began applying available insecticides, such as calcium  
15 cyanide.

16 With the advent of chlorinated hydrocarbons to  
17 cost-effectively control ants, a federal quarantine was  
18 established in 1958 to regulate infested areas. The

19 quarantine currently regulates all or portions of Alabama,  
20 Arkansas, California, Florida, Georgia, Louisiana,  
21 Mississippi, New Mexico, North Carolina, Oklahoma, Puerto  
22 Rico, South Carolina, Tennessee, and Texas. The federal  
23 quarantine regulates movement of articles known to spread  
24 IFA, including nursery stock and soil.  
25       Next slide, Tim.

1       The original program was a cooperative effort  
2 between APHIS and the states in three areas, including  
3 detection to find and eradicate isolated infestations,  
4 regulatory activity to slow IFA spread by controlling the  
5 movement of regulated articles, and, finally, control  
6 activity to reduce populations using wide-area pesticide  
7 applications.

8       Next slide.

9       As registrations and food tolerances for  
10 chlorinated hydrocarbons were canceled in the 1960s and  
11 '70s, wide-area pesticide applications were no longer  
12 practical due to the poor efficacy of available pesticides.  
13 The IFA program then shifted to baits and organophosphates.  
14 Unfortunately, some of these compounds, such as  
15 chlorpyrifos, were less effective than previously used  
16 materials.

17       During the 1980s, with the continued loss of  
18 chemicals, the federal program focused on methods

19 development, primarily testing of new treatments. This was  
20 to certify regulated articles for interstate movement.

21 Next slide.

22 During the 1990s, appropriations for many federal  
23 domestic programs declined or were capped, and the states  
24 assumed more IFA survey and regulatory responsibility.  
25 State activities were conducted in part using cooperative

1 funding agreements with APHIS. Most federal dollars were  
2 passed through to the states to ensure compliance with the  
3 federal quarantine.

4 Tim, if we could put the graph up that shows the  
5 funding, please.

6 As shown by this graph, the IFA program funding  
7 declined from about \$5,000,000 in 1990 to \$100,000 in 2000.  
8 Of this year's \$100,000 appropriation, Congress earmarked  
9 \$58,000 for IFA work in New Mexico. So, given the current  
10 funding level, essentially no dollars are available for  
11 pass-through to the other states.

12 Now let's go back to today's situation.

13 Despite the low funding level, APHIS continues to  
14 maintain the federal quarantine by annually updating the  
15 list of infested areas in the Federal Register. In  
16 addition, our investigative and enforcement services staff  
17 looks into about 10 to 20 quarantine violations annually.

18 About a third of these cases are closed with

19 warnings issued by the local plant protection and quarantine  
20 officer for a first-time violation.

21 Another third are closed with no action if the  
22 shipping facility was under a compliance agreement and the  
23 treatments were applied in accordance with that agreement.

24 The remaining third are assessed civil penalties  
25 of up to \$1,000 per violation, which is the maximum allowed

1 by statute. A typical fine ranges from \$500 to \$2,000,  
2 depending on the severity and the number of violations we  
3 can charge.

4 Next slide.

5 Let me just say, before we go on here to the  
6 current thing, that, in addition to the IES activity, APHIS  
7 continues to focus on development of new regulatory  
8 treatments and nursery compliance protocols to control or  
9 reduce ant levels in nursery production areas. About  
10 \$350,000 is allocated annually to Gulfport, Mississippi, for  
11 methods development work, and, to our knowledge, Gulfport is  
12 the only facility in the country that is developing IFA  
13 regulatory treatments.

14 Now we'll go to potential options.

15 Given the above background, we decided to hold  
16 public meetings and to get input on what direction the IFA  
17 program should take. To help stimulate discussion on this  
18 issue, we proposed the three options shown.

19           Under option one, we would maintain our imported  
20 fire ant program with minimal regulatory activity, in line  
21 with current funding. This option would provide uniform  
22 standards and consistent interstate shipping requirements  
23 for the regulated industry. Under this option, with the  
24 current funding level, most states would enforce the federal  
25 quarantine without federal dollars.

1 Under option two, we would also eliminate the  
2 federal quarantine and develop model guidelines for states  
3 to use in harmonizing their quarantines. This option would  
4 reduce federal costs and may provide uniformity without  
5 federal regulation. However, under this option, states may  
6 impose more or less stringent requirements, and these  
7 requirements could differ from state to state.

8 Under option three, we would eliminate the IFA  
9 regulations and would participate in establishing a  
10 voluntary nursery certification program. This option would  
11 also reduce federal costs and may provide uniformity with  
12 federal regulation. However, such a certification program  
13 is not mandatory and could result in less than 100-percent  
14 participation.

15 At this time, the Agency has made no decision on  
16 how to proceed. All options, including any submitted in  
17 writing or presented at this meeting, will be considered  
18 before a final decision is proposed.

19           Thank you again for your interest today, and that  
20 concludes my briefing.

21           MR. LIDSKY: Okay. Our first speaker will be the  
22 California Secretary of Agriculture, Mr. William Lyons.

23                       WILLIAM J. LYONS, JR.

24           CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

25           MR. LYONS: Thank you, Mr. Chairman, for the

1 opportunity to provide California's perspective regarding  
2 the USDA's Imported Fire Ant Regulation. California  
3 Department of Food and Ag has enjoyed its relationship with  
4 APHIS and looks forward to many more relationships.

5 California is the largest agricultural state in  
6 the United States. Our almost \$27 billion industry provides  
7 over 350 different commodities, including 55 percent of the  
8 fruits and nuts that are consumed in the United States.  
9 Over 11 percent of the U.S. agricultural exports come from  
10 California.

11 My family has been in production agriculture in  
12 Central Valley of California for 75 years. As a rancher and  
13 as a grower, as well as of a citizen of our beautiful state,  
14 I am keenly aware of the serious impact that newly  
15 introduced plant pests can have.

16 The California Department of Food and Agriculture  
17 has reviewed the USDA's proposed regulatory strategies and  
18 consulted with a number of our industry stakeholders and

19 many of our public leaders. After consideration, we find  
20 that none of the proposed options will meet the needs of our  
21 agricultural community, the business community, or the  
22 general public of the state of California.

23       Instead, CDFA recommends a fourth option, that the  
24 federal domestic quarantine be maintained, and that funding  
25 be restored for enforcement, research, and applied

1 technology to reduce the artificial spread of this serious  
2 pest. There is a consensus among the California ag industry  
3 that maintaining the federal quarantine is necessary to  
4 provide business with a level playing field across the  
5 nation.

6 In addition to this, my department is under  
7 mandate to protect the state from the entry and the  
8 establishment of invasive pests. Experience with the  
9 imported fire ant in recent years has shown that the lack of  
10 enforcement at the federal level has resulted in recent and  
11 repeated introductions of imported fire ant into California.  
12 As a result, we now have over 200 square miles infested with  
13 red imported fire ant.

14 California is fighting a serious public and  
15 environmental health problem, and has committed \$10.7  
16 million this year and over \$40 million in the next five  
17 years in an effort to eradicate this pest from our state.

18 This infestation also has placed a new and

19 difficult regulatory burden on California's ag industry.

20 Our nursery industry estimates it's spending \$4 million

21 annually just to comply with the quarantine requirements.

22 As mentioned, our regulatory and control costs

23 will be in excess of \$10 million this year alone, and we

24 urge the federal government to reimburse the California

25 Department of Food and Ag at least \$1 million of this cost.

1       Nationally, federal inaction on fire ant  
2   quarantines must not continue. The USDA must provide  
3   adequate resources, guidance, leadership, and a consistency  
4   into enforcing and regulating the existing quarantine.  
5   These actions will prevent individual states from creating a  
6   host of regulations that are inconsistent, unenforceable,  
7   and actually injure our agricultural community.

8       California nurserymen experienced firsthand when  
9   the red imported fire ant was first found in our state. For  
10   this reason, option two, which recommends rescinding the  
11   federal quarantine, is not acceptable.

12       As for option three, we do not believe that  
13   repealing the quarantine and replacing it with a voluntary  
14   self-certification program is an option at all. The federal  
15   notice itself mentions a serious weakness of this approach.  
16   There would be no legal mandate for participation in a self-  
17   certification program. There would be little interest in a  
18   voluntary program that would require additional costs for

19 production. In any case, there would be no legal means to  
20 keep states from enacting their own quarantines.

21 Again, California Department of Food and  
22 Agriculture strongly recommends the maintenance of the  
23 federal domestic quarantine and adequate funding for the  
24 imported fire ant program.

25 Current funding for RIFA eradication programs

1 totals \$100,000. Over half of that amount is earmarked for  
2 just one state, leaving less than \$50,000 to be split  
3 between the 13 states within the quarantine area. The  
4 National Plant Board recently identified a need to increase  
5 the baseline budget of the USDA by \$7.5 million to fund all  
6 aspects of the imported fire ant regulatory program  
7 nationwide.

8       On our part, states must work with the USDA and  
9 our congressional delegations to secure these and other  
10 funds to restore important domestic programs like fire ant  
11 quarantine enforcement. To assist in this, New Mexico,  
12 Florida, Arizona, California, and Texas Departments of  
13 Agriculture have formed a coalition to address these types  
14 of funding issues. The NFACT coalition is currently working  
15 to inform our congressional delegations about the economic  
16 devastation caused by the red imported fire ant for our ag  
17 industries.

18       We appreciate USDA holding three of the four red

19 imported fire ant funding hearings in NFACT states, Florida,  
20 Texas, and California. However, we believe that USDA should  
21 aggressively pursue additional emergency funding to prevent  
22 the establishment of this pest in the border states. NFACT  
23 is the United States' first line of defense from foreign  
24 pests and diseases along the southern border. It is  
25 imperative that adequate funding for all pest prevention and

1 detection programs be allocated.

2 NFACT has recently met with the USDA, U.S. Customs  
3 Service, and the Office of Management and Budget in  
4 Washington, D.C., to discuss this other invasive species  
5 that negatively affects specialty crops and livestock.  
6 NFACT will continue to be a strong advocate on behalf of  
7 specialty crop and livestock ag to ensure their due  
8 representation at the federal level.

9 For the record, I would like to submit the  
10 following letter regarding the position of NFACT, which was  
11 signed by all the five Secretaries and Directors of  
12 Agriculture. I think I've given you a copy of that letter.

13 MR. LIDSKY: Yes, sir.

14 MR. LYONS: Again, I'd like to thank you for the  
15 opportunity to provide the California perspective on this  
16 very important issue. Thank you.

17 MR. LIDSKY: Mr. Secretary, thank you very much  
18 for your comments, sir. Appreciate it.

19           Our next speaker will be Supervisor Todd Spitzer.

20           TODD SPITZER, ORANGE COUNTY BOARD OF SUPERVISORS

21           MR. SPITZER: Good morning, Mr. Chairman and

22 fellow Hearing Commissioners. My name is Todd Spitzer,

23 Orange County supervisor, and I want to welcome you to

24 Orange County. I hope you enjoy your stay here, and we are

25 very, very pleased to have you, the fact that you took the

1 time to not only come here, but hold your hearing here.

2 As you can see by the concerned citizens and  
3 employees of both the county and state agencies behind me,  
4 we are obviously very concerned about the future impact of  
5 what the United States Government does with respect to red  
6 imported fire ant.

7 I can tell you that we are your frontline troops,  
8 and I think we've stepped up and taken a very proactive and  
9 active role. In fact, some days, I feel like we're actually  
10 doing the hand-to-hand combat with these red imported fire  
11 ants.

12 We're certainly at an important crossroads,  
13 because we can win the battle here in Orange County and the  
14 state of California, other southern California  
15 jurisdictions, and then lose the war, because this pest  
16 knows no jurisdictional or political boundaries. This pest  
17 doesn't say, "Oh, I'm going to remain in southern California  
18 or Texas or Alabama."

19           In fact, by looking at your funding, it's pretty  
20 important to me that, for a national program, the funding  
21 has not only been abysmal in its heyday, but the steady  
22 decrease, I think, is really quite offensive. I mean, I  
23 certainly recognize, nationwide, the pests and the role that  
24 you must play, but I think that's why the Secretary has  
25 ventured here with his staff from Sacramento, and I commend

1 him for being here, and I must commend him and his staff for  
2 taking such a proactive role in working with Orange County.

3 Legislative leaders, Assemblyman Bill Campbell and  
4 State Senator John Lewis, our representatives here, have  
5 really carried the legislative front in Sacramento, and then  
6 Doctor Bob Sjogren, who is in the audience today and has  
7 been the leader at Vector Control, and, of course, Rick Le  
8 Feuvre, who is our Agricultural Commissioner. We've been  
9 doing that battle. So, if we do knock down this  
10 enforcement, really, what good does it do?

11 We have said, time and time again, both as elected  
12 officials and leaders in the community, that we are going to  
13 do everything in our power not only to protect the industry,  
14 which I think the Secretary highlighted very acutely this  
15 morning, but we're talking about a quality of life here in  
16 this region which has not yet been diminished by the red  
17 imported fire ant.

18 Now, I recognize, in other parts of the country --

19 and people who come here, in fact, during our hearings on  
20 the red imported fire ant, people who have come to  
21 California, and Orange County now, to live, have said, "Are  
22 you crazy? I just came from those regions, and there's no  
23 way you're going to be able to wipe out or control this red  
24 imported fire ant."

25 Well, I heard earlier, and I saw the description,

1 of the types of pesticides and control mechanisms that we  
2 now have in place. When this pest came here so many years  
3 ago, we were using pesticides that obviously were very  
4 harsh, potentially harmful to the environment, and may have  
5 worked, but either the pest became immune or they had such  
6 offensive characteristics to the environment that, in terms  
7 of the measures gained, it was too much of a risk, but we  
8 have the technology, in terms of fenoxycarbs that have been  
9 employed, and the measures to control the red imported fire  
10 ant have been amazing.

11       The harm to the community is virtually nil, based  
12 upon the research that I have personally read, and the  
13 testimony of experts in the field, not only entomologists,  
14 biologists and those who deal with pesticides, have attested  
15 to the fact that there is really an opportunity here to  
16 knock down this pest, if not eradicate it, certainly control  
17 it in a very serious way.

18       So I say that, and I lay that as my foundation,

19 because certainly the time is critical for leadership to  
20 maintain, and not only maintain, the federal domestic  
21 quarantine for the red imported fire ant, but to help us,  
22 and we've already done some of this work, lay the  
23 foundation, and be proactive in terms of getting our  
24 congressional -- because we've already done it with the  
25 state delegation -- getting our congressional delegation to

1 start to whip up the frenzy in Washington to get you the  
2 funding to make this program work.

3 I understand, because I sit on that side most of  
4 the time -- in fact, my nameplate is still up there, so it's  
5 kind of interesting for me to be on this side of the dias --  
6 but I understand it's very hard to come forward with a very  
7 proactive program when you don't have the funding to back up  
8 that program. So you'd better believe that we have, as the  
9 Secretary has indicated, not only communicated with our  
10 congressional members and our United States Senators, but  
11 the Chairman of the Board, Chuck Smith.

12 I recently read -- in fact, the first week in  
13 March, we sent a letter to all the delegates, and we will  
14 follow up, because we understand that it's not just us  
15 asking you to do something. You need the tools to make it  
16 happen, and you can only make a recommendation that's  
17 consistent with the money that backs up that program.

18 We've been very fortunate, because of the

19 leadership of Secretary Lyons, Doctor Sjogren, and Rick Le  
20 Feuvre, that we have brought the funding to Orange County,  
21 but our funding is greater in total for this region than it  
22 is for you for the entire nation. Tell me there isn't an  
23 inconsistency there, or something that our leaders should  
24 not blink their eyes at.

25       Without the federal quarantine, then -- and, so,

1 recognizing that, we are embarked on this -- as the  
2 Secretary, he's already put together this multiagricultural  
3 Secretary group through many of the affected states, but,  
4 assuming that we can get that support, then let me tell you  
5 what, obviously, we're looking for.

6       We need that federal quarantine, because many of  
7 the noninfested states certainly could implement different  
8 and possibly tougher shipping requirements for their  
9 commodities, and the lack of uniformity -- certainly,  
10 Mr. Chairman, I don't need to tell you, as a lawyer, but  
11 certainly a lack of uniformity, without that quarantine,  
12 could certainly result in confusion in interstate commerce,  
13 and we know that, you know, states are pretty much free to  
14 do what they want under the Interstate Commerce Clause.  
15 Related ongoing research programs would also be eliminated,  
16 and we've been very proactive in that venture.

17       With a federal quarantine, we can help prevent a  
18 patchwork of state fire ant quarantines throughout the

19 nation, and I think consistency is important. Especially,  
20 in my opinion, one of the things we've been very concerned  
21 about is the widespread application of pesticides, and  
22 that's why I've been very pleased by the advance in the use  
23 of fenoxycarbs, and I think that if we stop that research,  
24 then we're doing all of ourselves harm.

25       The Orange County Board of Supervisors, the state

1 elected officials that I've mentioned, the California  
2 Department of Food and Ag, and the industry have worked  
3 together to implement the state-funded eradication plan  
4 right throughout the state and certainly here in southern  
5 California. We have a \$26 billion industry in California,  
6 and it's a \$300 million industry to Orange County.

7       The red imported fire ant was first discovered in  
8 Trabuco Canyon, which is in the Third Supervisorial  
9 District, my district, and throughout my district we have  
10 just a phenomenal amount of nurseries and nursery products.  
11 We export products all over the world, and it's been very  
12 burdensome, I think, the demands we've put on the industry  
13 in terms of treating their soil.

14       As you know, they don't use the -- they can use  
15 the fenoxycarb, but, pretty much, they do the dredge system  
16 with the diazinon, and even though they internally control  
17 that and recover that pesticide, I don't think any of us  
18 like the fact that we are introducing large amounts of

19 pesticides in our environment.

20        Certainly the infestation has already caused an  
21 estimated \$1 billion annually in losses and control costs in  
22 the 11 southeastern states, and the University of California  
23 economists have estimated that the long-term costs to our  
24 residents and industries could likely total more than  
25 \$1 billion annually if those fire ants were allowed to be

1 spread just throughout California alone.

2       It's certainly hard to put a price tag on the  
3 consequences of RIFA to our quality of life and our wildland  
4 biodiversity, but we know those little pests, you know, can  
5 take down small animals. They can certainly invade our  
6 NCCP, which is our conservation program, which we work very  
7 hard on with the federal government, for set-asides, the  
8 cooperative federal, state, and local government efforts,  
9 then, to stop the red imported fire ant will possibly  
10 eliminate this problem which has been so devastating in  
11 other states.

12       I therefore join with the Secretary, William  
13 Lyons, in urging you to consider and then make a  
14 recommendation on that fourth option, which is to maintain  
15 the quarantine and work with us, and make recommendations to  
16 secure the funding. I don't think it's realistic to come  
17 forward with a program in which funding is as de minimis as  
18 the funding that is currently allocated in this particular

19 arena.

20       So, that being said, we are your frontline troops.

21 We will continue to be your frontline troops. We are waging

22 this war because we think it's a war that needs to be

23 fought. However, if we don't have any of the resources

24 behind us, and we have nothing to help us, to alleviate us

25 when we run out of our, you know, red imported fire ant

1 strength, if you will, we can't afford to have those states  
2 behind us not bringing in the resources and fighting the  
3 battle on their own fronts.

4 Otherwise, our battle is going to be wasted. It  
5 will actually mean nothing. I want to qualify that, because  
6 I think it's important that we have a local program, but we  
7 know our battle just will wage on if we don't have the  
8 protections from the other states.

9 Mr. Chairman, I appreciate very much your time.  
10 Certainly my comments, most of it, a lot of it, was more  
11 impromptu, but I do have at least a synopsis of my main  
12 points that I will give to the clerk. Thank you very much,  
13 gentlemen, for your time. I appreciate it very much.

14 MR. LIDSKY: Thank you, Supervisor Spitzer. Also,  
15 USDA would like to thank you for the use of this hearing  
16 facility. It's a great room. Thank you for your time.

17 MR. SPITZER: Thank you, sir.

18 MR. LIDSKY: Our next registered speaker is

19 Mr. John -- looks like Caravetta, and I apologize for the  
20 mispronunciation of your name.

21 JOHN CARAVETTA, ARIZONA DEPARTMENT OF AGRICULTURE

22 MR. CARAVETTA: Good morning, Mr. Chairman. My  
23 name is John Caravetta.

24 MR. LIDSKY: Thank you, sir.

25 MR. CARAVETTA: I'm the Associate Director

1 representing the Arizona Department of Agriculture. We  
2 appreciate the opportunity the USDA-APHIS-PPQ has presented  
3 for affected stakeholders to comment on the proposed Agency  
4 course of action relevant to the federal fire ant  
5 quarantine.

6       The red imported fire ant, or IFA, is a serious  
7 pest currently found in 13 states. This situation has  
8 forced producers, residents, and municipalities to spend  
9 millions in each state annually to achieve a modest level of  
10 suppression. With the advent of isolated infested regions  
11 of California and New Mexico, Arizona is under even greater  
12 pressure to continue successful exclusion and detection  
13 activities to bar this scourge from establishment in the  
14 state.

15       To assist my department's efforts, Governor J.D.  
16 Hull, in January 1999, declared a state of emergency,  
17 releasing some \$200,000 in funds to bolster the highly  
18 successful exclusion and detection efforts of the Arizona

19 Department of Agriculture.

20       To date, Arizona remains free from established  
21 infestations of the red imported fire ant. This success  
22 would be severely jeopardized had the federal quarantine not  
23 been in place. Arizona needs USDA's continued and increased  
24 involvement to prevent the spread of IFA into the state and  
25 other areas currently not infested.

1       The federal quarantine, in the past, has served to  
2 slow the spread of IFA and provide a level playing field in  
3 the regulation of a variety of conveyance methods associated  
4 with this pest. The absence of this broad quarantine would  
5 force regulatory agencies such as the Arizona Department of  
6 Agriculture to impose a substantial external quarantine to  
7 protect the state's agricultural industry, public well-  
8 being, and associated quality of life. Most likely, Arizona  
9 would not be alone in this action, creating havoc for the  
10 industries impacted by such a quarantine.

11       For fiscal year 2000, PPQ is proposing three  
12 options: one, maintain the federal quarantine; two, rescind  
13 the federal quarantine and develop model quarantine  
14 guidelines for states; three, rescind and develop a  
15 voluntary nursery self-certification program. The Arizona  
16 Department of Agriculture recommends USDA-APHIS-PPQ continue  
17 with and improve the existing quarantine, while restoring  
18 funding to the \$1 million level established since 1996 for

19 the current fiscal year.

20       Furthermore, the Arizona Department of Agriculture  
21 supports the National Plant Board's proposal to increase the  
22 baseline budget of PPQ in fiscal year 2001 by \$7.5 million  
23 to fund the IFA quarantine program, with the understanding  
24 this money would not be allowed to be redirected to other  
25 PPQ programs.

1           The ADA has taken an active role in advocating  
2   this appropriation through both NFACT, a regional coalition,  
3   and NASDA. The Arizona Department of Agriculture thanks  
4   USDA-APHIS-PPQ for the opportunity to comment on this issue,  
5   and remains committed to the continued cooperation in  
6   addressing invasive species to the benefit of our  
7   stakeholders. Thank you, Mr. Chairman.

8           MR. LIDSKY: We thank you, sir. Sir, could you  
9   spell your last name for the benefit of the court reporter?

10          MR. CARAVETTA: Yes. The last name is spelled  
11   C-A-R-A, V as in Victor, E-T-T-A. Thank you.

12          MR. LIDSKY: Thanks. Thanks very much.

13          Ms. Sherry Sanderson, please.

14   SHERRY SANDERSON, NEW MEXICO DEPARTMENT OF AGRICULTURE

15          MS. SANDERSON: Good morning, Mr. Chairman, and  
16   thank you for holding this hearing today. I'm Sherry  
17   Sanderson, and I am the Bureau Chief of the Entomology and  
18   Nursery Industry Bureau of the New Mexico Department of

19 Agriculture, and MDA would like to thank the United States  
20 Department of Agriculture Animal and Plant Health Inspection  
21 Service for holding this hearing on the red imported fire  
22 ant quarantine and taking testimony from the affected  
23 stakeholders.

24         In 1998, an ant sample was collected from a small  
25 residential community in Dona Ana County, New Mexico, and

1 was confirmed by USDA as red imported fire ants. Surveys  
2 performed have identified an infested area in Dona Ana  
3 County. Fire ant infestations have been found in public,  
4 residential, industrial, and agricultural areas where water  
5 is available. It's very crucial to our area.

6 Survey results and technical advice received from  
7 the United States Department of Agriculture Plant Health  
8 Inspection Service, Plant Protection and Quarantine Section,  
9 indicated that eradication of a red imported fire ant  
10 infestation of this magnitude would be cost-prohibitive and  
11 likely unobtainable.

12 In August of 1998, Dona Ana County, New Mexico,  
13 was placed under an interior state quarantine. In February  
14 of 2000, Dona Ana County was added to the federal fire ant  
15 quarantine. Currently, the fire ant infestation is  
16 contained to Dona Ana County, and the remaining 32 counties  
17 of New Mexico remain uninfested.

18 The New Mexico Department of Agriculture has just

19 embarked upon the regulation of red imported fire ants in  
20 New Mexico, and has found it is not an easy task. Many  
21 valuable lessons were learned this year, this past year,  
22 during the first few weeks of the infested status. Many  
23 phone calls were made to the United States Department of  
24 Agriculture and other states to obtain information on  
25 compliance agreements, chemical treatments, and

1 interpretations of approved treatments.

2       One message I received from colleagues of infested  
3 states was that the emphasis of the quarantine was gone.  
4 Many of the original participants of your quarantine program  
5 had been replaced, and the original importance and emphasis  
6 on the quarantine had been lost. It is believed that this  
7 lack of enthusiasm was directly related to the lack of  
8 funding and minimal oversight of the quarantine program.

9       At this time, the United States Department of  
10 Agriculture has proposed three potential courses of action  
11 with respect to the red imported fire ant program, the first  
12 being to maintain the program with minimal funding. As  
13 stated by APHIS, "Under this option, states would continue  
14 to enforce the federal quarantine without federal funding."  
15 Unfunded mandates, as we all know, are difficult, if not  
16 impossible, for states to carry out. Without proper  
17 funding, there will be no fire ant quarantine.

18       As a second option, the United States Department

19 of Agriculture has proposed to eliminate the imported fire  
20 ant regulations and develop a model guideline for states to  
21 use in harmonizing their quarantine, but, as seen with the  
22 Japanese beetle harmonization plans, all states will not  
23 choose to participate under the same guidelines, and there  
24 is a fear for states of imposing their own quarantines.  
25 This will result in a nightmare of regulations for those

1 companies shipping nursery products in interstate commerce.

2       The third proposal, of eliminating the imported  
3 fire ant regulations and establishing a voluntary nursery  
4 self-certification program -- the quarantine is in effect  
5 now, and there are problems with certification of products.  
6 How is a voluntary program going to be an improvement? We  
7 don't see that that is a viable option.

8       The fire ant infestation in New Mexico is proof  
9 that the ants are still spreading. The New Mexico  
10 Department of Agriculture is in full support of the federal  
11 imported fire ant quarantine, and supports the National  
12 Plant Board and NFACT's recommendation to restore and  
13 increase USDA's funding to a level that will support the  
14 efforts of the regulatory agencies responsible for the  
15 administration of the quarantine.

16       Without proper funding levels to support the  
17 biocontrol options, the development of efficacious pesticide  
18 treatments, and proper quality assurance of the

19 certification program, uninfested states will not remain  
20 uninfested.

21       The imported fire ant not only causes economic  
22 problems for the agricultural and commercial nurseries  
23 shipping products out of the quarantine area, but it also  
24 decreases the quality of life in an infested area. The New  
25 Mexico Department of Agriculture is dedicated to preserving

1 the quality of life in New Mexico by preventing the spread  
2 and further invasion of the red imported fire ant.

3 The New Mexico Department of Agriculture would  
4 like to urge Congress to restore and increase funding to  
5 maintain the federal imported fire ant regulations, as this  
6 funding is necessary to keep the remaining uninfested states  
7 free of fire ants.

8 I would like to thank you for this opportunity to  
9 comment on these proposed changes, and offer New Mexico's  
10 complete support for the federal fire ant program. Thank  
11 you, Mr. Chairman.

12 MR. LIDSKY: And thank you very much for your  
13 comments.

14 Mr. Jack Wick, please.

15 JACK WICK, CALIFORNIA ASSOCIATION OF NURSERYMEN

16 MR. WICK: Good morning. My name is Jack Wick,  
17 W-I-C-K. I'm the Regulatory Consultant for the California  
18 Association of Nurserymen.

19           I would like to compliment the USDA-APHIS for  
20 maintaining the fire ant quarantine through these many years  
21 of the chart you showed with the funding dropping down to  
22 zilch. You've maintained it, and we've been grateful to you  
23 for that.

24           I might as well give my commendation to Congress  
25 and the Budget Office or whoever keeps reducing that

1 funding, because they are apparently quite unaware there is  
2 a lot of California that doesn't have a red imported fire  
3 ant at this time. We'd like to keep it that way, and get  
4 rid of it where we do have it.

5 We also see the last speaker had 32 counties that  
6 didn't have the red imported fire ant, and the Congress  
7 doesn't seem to care a great deal about that as far as what  
8 might transpire in the future.

9 I guess I'm getting to the point that we support  
10 APHIS maintaining the quarantine. If you get the additional  
11 funding, wonderful, but it might take some while to do that.  
12 I would recommend or encourage, as much as possible -- maybe  
13 you already do it -- cooperating with everybody else that's  
14 interested in this issue, university researchers.

15 EPA, for example, has funding occasionally, and  
16 they would like to see less pesticides used. See if they  
17 can help you in your research department by granting for  
18 various kinds of research that might be helpful on this

19 problem, to reduce the use of pesticides but still eliminate  
20 the ants, and I think that type of liaison might be an area  
21 that APHIS could be helpful in, with many, many different  
22 kinds of interested people.

23       The health departments don't like to have people  
24 bitten, stung, and so forth. Maybe they would be, in some  
25 states, willing to help on it, if they're in a position to

1 do so. That needs some coordination, however, and right now  
2 I don't know of any coordination of who's all interested in  
3 this problem, and recommendations as to some coordination  
4 and cooperation in this regard.

5 I think research is the key for our future here,  
6 and imported red fire ant problems. I've been around for 50  
7 years in this industry, the nursery industry in California,  
8 and this is the worst pest we've ever had. It is a  
9 miserable one, and I sure hope you fellows can come up with  
10 some brilliant idea how to reduce the impact to us. Thank  
11 you very much.

12 MR. LIDSKY: Thank you very much, sir. Mr. Burt  
13 Tibbet, please.

14 BURT TIBBET, NURSERY GROWERS ASSOCIATION OF CALIFORNIA

15 MR. TIBBET: My name is Burt Tibbet. I'm  
16 President of the Nursery Growers Association of California.  
17 Tibbet is spelled T-I-B-B-E-T.

18 I, as the others have, want to thank you for the

19 opportunity to speak to you on this subject that we'd rather  
20 not have to talk about at all. Members of our association  
21 are spending tens of millions of dollars a year in a control  
22 mode of the red imported fire ant. It is our commitment to  
23 assist all of the other allied interests in California to  
24 eradicate the RIFA from the state.

25       We also would like to encourage you folks to

1 maintain the program, increase the funding, as the Secretary  
2 said, develop the fourth option, and develop a program that  
3 looks beyond the nursery industry as the focal point for  
4 transporting the red imported fire ant.

5       In the state of California, our exclusion program  
6 has determined that the RIFA has been brought to our state  
7 by many, many vehicles, including air conditioning units,  
8 beehives, hay haulers, land developers, dirt excavators, and  
9 the list goes on, and yet the program, overall, seems to  
10 lack any consistent effort in eliminating these other  
11 sources as transfer agents for this pest.

12       I, like others in our association, believe this is  
13 a health and safety issue as well as an economic issue, and  
14 for that reason, we believe that with environmental  
15 interests and personal interests of the consumers of the  
16 state, the fourth option needs to be developed fully.

17       We are interested only in an eradication program.  
18 You can't have Congress hitting us with an increase in the

19 minimum hourly wage rate and continue to heap control costs  
20 for RIFA on top of us, too. We appreciate whatever effort  
21 you make, and if you will direct to us any effort that you  
22 think we can make to help you in a grassroots effort, we'll  
23 certainly work towards that end. Thank you.

24 MR. LIDSKY: Thank you very much, sir.

25 Mr. R.D. Sjogren, please.

1 ROBERT SJOGREN

2 MR. SJOGREN: Good morning. My name is Doctor  
3 Robert Sjogren, S-J-O-G-R-E-N. I am speaking in support of  
4 the unanimous comments that have been offered this morning  
5 to maintain the quarantine, and I'd like to speak from the  
6 background of a medical entomologist.

7 I have worked in vector control for over 30 years,  
8 and I am a medical entomologist by profession, and this, as  
9 has been mentioned to you this morning, obviously, it is a  
10 serious problem for the nursery industry and agriculture in  
11 California.

12 Also, as the previous speaker spoke, it is a very  
13 serious concern to those of us in public health and  
14 entomology in California that this ant be addressed and  
15 eradicated, if possible, in California, and it is something  
16 that obviously a great amount of education is needed for our  
17 federal legislators, to let them know what is the insect,  
18 and that's something that we'll be working very strongly

19 with.

20 I am the Director of the Orange County Vector  
21 Control District, working under a subcontract with the  
22 county of Orange and funded by the state of California,  
23 which we will be responsible for the field program under a  
24 banner of Orange County fire ant authority.

25 We're grateful for Doctor Collins' work over the

1 years that has provided us the expertise and the basic  
2 information that we are able to go forward with from this  
3 time, but, very definitely, as has been mentioned  
4 previously, much more money needs to be put into work such  
5 as Doctor Collins is doing.

6       So I think that's the main point, that this is a  
7 public health problem, and it's one which, as a member of  
8 some 60 vector control districts in California -- the  
9 California Mosquito and Vector Control Association, they are  
10 very concerned, also, that this pest does not spread  
11 throughout California, and endanger the high quality of life  
12 that we enjoy so much here. Thank you very much.

13       MR. LIDSKY: Thank you very much.

14       Our next speaker is Ms. Cheryl -- I believe it's  
15 Guar, G-U-A-R (sic)?

16       CHERYL GOAR, ARIZONA NURSERY ASSOCIATION

17       MS. GOAR: My name is Cheryl Goar, G-O-A-R. I'm  
18 Executive Director of the Arizona Nursery Association. We

19 are a 400-member association which represents retail  
20 nurseries, wholesale nurseries, and associated businesses in  
21 the state of Arizona.

22       According to Arizona's latest economic impact  
23 survey of the green industry, we contribute 947 million to  
24 the state's economy. We continue to be one of the most  
25 rapidly growing sectors in our state, with 9.4 percent

1 annual growth, and, important to this issue, 50.8 million in  
2 exports to other states. Our industry ships and receives a  
3 lot of product.

4       Our members believe APHIS should maintain the  
5 federal fire ant program. From the Arizona industry's  
6 perspective, this quarantine allows for a coordinated,  
7 consistent approach to stopping or at least slowing the fire  
8 ant spread. For the nursery and greenhouse industry, the  
9 quarantine means one set of uniform rules for shipping  
10 products interstate.

11       It would be extremely difficult for our member  
12 nurseries to track and comply with different rules in five,  
13 10, or even more states. We do not support adding to the  
14 burden already placed on our nurseries striving to currently  
15 comply with regulations. Our member nurseries are already  
16 bearing costs to comply with this quarantine, because they  
17 view it as vital to their continued business.

18       Specifically in Arizona, our nurseries develop

19 special quarantine holding areas, and they are willing to  
20 increase the time it takes to turn around that nursery stock  
21 while waiting for insect identification from the Department  
22 of Agriculture. We believe the federal government should be  
23 involved in this program, because the imported fire ant is a  
24 very troublesome health and agricultural pest.

25       As a still-uninfested state, Arizona is committing

1 a large amount of dollars in our effort to remain  
2 uninfested. This task is becoming harder for Arizona, as  
3 our neighbors to the east and west, California and New  
4 Mexico, are now fighting their own battles with this pest.

5 Our members have never worked more closely with  
6 our friends at the Arizona Department of Agriculture to help  
7 combat the introduction of this pest into our state. We do  
8 recognize that this program is a cooperative federal and  
9 state effort, and we encourage APHIS to keep the program in  
10 that direction.

11 In closing, we not only advocate that APHIS retain  
12 the federal quarantine partnership between the state and  
13 federal government, but, also, we encourage restoration of  
14 the estimated 3.5 million in funding for the USDA-APHIS fire  
15 ant line item, to help ensure a viable and effective  
16 quarantine which is proposed by the National Plant Board,  
17 although we realize you do not have the power to restore the  
18 funding, but we are committed and will be working on

19 potential methods to secure this funding. Thank you for the  
20 opportunity to speak with you today.

21 MR. LIDSKY: And thank you very much for your  
22 comments.

23 Is Mr. Robert Gronowski here from the Nevada  
24 Department of Agriculture?

25 (No response.)

1           MR. LIDSKY: He asked that we keep the meeting  
2 open until his arrival. He expected to arrive at 10:00 a.m.  
3 So we will do that.

4           I have just run through the list of people that  
5 have registered to speak, and now what I'd like to do is  
6 call persons that may be in the audience that have some  
7 comments they would like to have entered into the record,  
8 people that are so-called unregistered speakers, if there  
9 are any.

10          If you could spell your name, please, for the  
11 court reporter, please, sir.

12          DON GILCHRIST, OFFICE OF STATE SENATOR JOHN LEWIS

13          MR. GILCHRIST: Certainly, yes. Thank you. My  
14 name is Don Gilchrist, spelled G-I-L-C-H-R-I-S-T. I'm  
15 administrative assistant to State Senator John Lewis.

16          State Senator Lewis' legislative district includes  
17 the north and eastern portion of Orange County, and includes  
18 the largest nursery/growing area in Orange County, and

19 includes a large section of the Cleveland National Forest,  
20 as well, and extends from the northern boundary of Orange  
21 County down to the area of San Clemente on the San Diego  
22 County border.

23       The residents of our district and the many  
24 jurisdictions, political jurisdictions, within our district  
25 are very concerned about the spread of the fire ant, and

1 including the many school districts, golf courses,  
2 condominium associations, as well as all the nursery growers  
3 whom you've already heard from.

4       It was Senator Lewis' initial sponsorship,  
5 authorship of SB204 in the state of California which began  
6 the process that led to the establishment of the state  
7 program that you heard about from Secretary Lyons.

8       I'd like to just point out for the record that  
9 this legislation passed through the houses, the two houses  
10 of our legislature, with no negative votes. We have an 80-  
11 house assembly -- 80-member assembly and a 40-member senate  
12 in California, so there was a clear recognition by the  
13 members in our state legislature of the importance and the  
14 potential hazard that this pest represents, and I think we  
15 have a better-than-good chance of making this case known to  
16 our congressional representatives.

17       They all recognize the importance of agriculture  
18 to our state, the importance of our lifestyle to the

19 citizens of our communities, and will be willing to assist  
20 with programs such as you're proposing and such as the other  
21 speakers are proposing for the augmentation of your budget  
22 and augmentation of your quarantine programs.  
23       Again, thank you for the opportunity to speak  
24 unplanned, unannounced, and without comments for the record.  
25 Thank you.

1 MR. LIDSKY: And thank you very much, sir.

2 Are there any other persons in the audiences that  
3 would like to speak or have any questions they'd like to ask  
4 the panel?

5 (No response.)

6 MR. LIDSKY: Ron, would you like to make a  
7 statement about the funding situation?

8 MR. MILBERG: I think most people in the audience  
9 understand that -- or you may not know, but the Agency has  
10 not requested funding for the IFA program since 1994.

11 It's basically, I guess, a political shell game,  
12 where Congress -- you know, the Agency would not request the  
13 funding, and Congress would put it back year after year, and  
14 then the politics of the situation change, or the budget  
15 processes get so complicated -- it fell in a crack this  
16 year, and Congress did not put the money in.

17 Even so, I think it mentions in the Federal  
18 Register notice that they did give us \$100,000, although we

19 again asked for nothing. So, I mean, that's better than  
20 nothing.

21       The fact is, APHIS has to -- our managers have to  
22 stay within the present budget, and we're only allocated so  
23 many dollars, and the Agency's management gets together and  
24 ranks all the various programs, and they're basically  
25 numbered 1 through 30, and IFA has come out below the cut

1 where funding is requested, and that's how the Agency winds  
2 up not requesting money for it.

3       So we just need to understand that it's not the  
4 fact that Congress has said, "We're going to cut the funding  
5 in the program." They just, I don't know, went along with  
6 the Agency this year. So what happens in the future remains  
7 to be seen.

8       MR. LIDSKY: Right. We didn't want to leave  
9 anyone with the impression that we're blaming Congress.  
10 Certainly your remarks today, if they're known to Congress,  
11 that will be very helpful. And as far as where we are in  
12 the budget process, we have submitted our budget for fiscal  
13 year 2001.

14       The administrator, Doctor Craig Regelbrugge,  
15 testified in mid-March about the APHIS budget, and the way  
16 the appropriations process works is the Agency -- or the  
17 President actually submits a budget, and then Congress,  
18 through the appropriations process, has the option of adding

19 to the Agency's request, and usually the budget is put in  
20 place before the start of the next fiscal year, which would  
21 be October 1. So we're hoping that, as a result of these  
22 hearings and your concerns, that money will be added for the  
23 2001 budget and for future years, as well.

24 MR. PROFFITT: Excuse me.

25 MR. LIDSKY: Yes, sir.

1           MR. PROFFITT: There were three other meetings, in  
2 Raleigh --

3           MR. LIDSKY: Sir, we're going to need you to come  
4 to the podium, and spell your name for the record, please.

5                         MIKE PROFFITT

6           MR. PROFFITT: Okay. Mike Proffitt, last name  
7 spelled P-R-O-F-F-I-T-T, almost like making money, but not  
8 quite. There is a little humor in that, but today, with  
9 RIFA and other things, the money end is getting narrower.  
10 Margins are getting much, much more less.

11          Being a member of a local nursery in Irvine,  
12 Almadino (phonetic) Gardens, we, of course, being part of  
13 the quarantine, have been asked to supplement our soil with  
14 chemicals to keep RIFA from being spread, et cetera, setting  
15 up trapping every three months, going along with the  
16 quarantine basis. That's a good thing, and it has been for  
17 over a year now.

18          The problem I see is, if we take funding away, we

19 let people do whatever they want to do, this is going to  
20 become a national pest. It's going to become detrimental to  
21 not only agriculture, but everything else everybody has seen  
22 today. That's my three cents' worth this morning.

23 I'd like to sit here and say, "Thank you for  
24 coming," but I'd really rather sit here and say, "I wouldn't  
25 want to see you here, anyway, because we have the funding to

1 do this. We don't have to sit here and go through the  
2 political process."

3       There were three other meetings, one in Raleigh,  
4 one in Orlando, one in Austin. Could you give us a quick  
5 synopsis -- I'm supposing that you all were at those  
6 hearings, too -- of what happened at those meetings, what  
7 the outcome -- what those people's feelings were, and where  
8 we kind of have a comparison of what's going on?

9       MR. LIDSKY: Sure.

10       MR. PROFFITT: Thank you.

11       MR. LIDSKY: The meeting in Orange County is not  
12 unlike the other three meetings we've held. There was very  
13 strong and unequivocal support for maintaining the  
14 quarantine and continuing the cooperative relationship we  
15 have with the states through the plant boards and state  
16 departments of agriculture, and there were comments that  
17 requested Congress to add between 3.5 million and 7.5  
18 million to the APHIS budget.

19           So you're right on target as far as the comments  
20 that we've heard elsewhere. I'm glad you asked the  
21 question. Thank you.

22           MR. MILBERG: I think one thing that was mentioned  
23 at the other meetings that hasn't come up here today, maybe,  
24 is the concept of user fees, where the regulated industry  
25 helps pay for the quarantine, and I just would like to say

1 there are no plans to do that. That's not even under  
2 consideration.

3 It's been pointed out, at the other meetings and  
4 here, that the nurseries do spend a lot of money on these  
5 treating materials already, and the benefits of the  
6 quarantine, as Craig Regelbrugge has said, accrue to  
7 communities widely in terms of the reduction in danger to  
8 health and equipment and so on that also comes along with  
9 IFA. So it's not just the nursery industry that's being  
10 singled out here, and there are no plans to try and develop  
11 a domestic user fee program.

12 MR. LIDSKY: Any other comments or questions?

13 (No response.)

14 MR. LIDSKY: I think what we should do, since  
15 Mr. Gronowski hasn't arrived, is take a short recess, and  
16 resume, say, at 10:45, please. Thank you very much.

17 (Whereupon, a brief recess was taken.)

18 MR. LIDSKY: All right. Our next speaker is

19 Mr. Robert Gronowski, and if you could spell your name for  
20 the benefit of the court reporter, please.

21 ROBERT GRONOWSKI, NEVADA DEPARTMENT OF AGRICULTURE

22 MR. GRONOWSKI: Yes. My name is Robert Gronowski,

23 G-R-O-N-O-W-S-K-I. Good morning. I'm the Administrator of

24 the Plant Industry Division of the Nevada Department of

25 Agriculture, and I'm here today representing the Nevada

1 Department of Agriculture, and also representing the Western  
2 Plant Board.

3       The Western Plant Board is a group of state and  
4 province plant administrators throughout the West, the 13  
5 states. The province of British Columbia, the province of  
6 Alberta, and the Republic of Mexico are all members of the  
7 Western Plant Board.

8       We applaud USDA-APHIS for holding this meeting and  
9 permitting affected stakeholders to comment on the course of  
10 action the Agency should take on the imported fire ant  
11 program. That profoundly affects the uninfested western  
12 states. It also provides a forum whereby congressional  
13 leaders, those who provide the Agency with the necessary  
14 level of funding and authority, have the opportunity to  
15 listen to the concerns of the Agency's stakeholders.

16       The red imported fire ant is a serious pest that  
17 currently infests 13 states. This pest causes undesirable  
18 economic, environmental, and public health effects. These

19 effects have been documented in every infested state.

20       The minimization of the artificial spread of the  
21 imported fire ant has been the goal of the imported fire ant  
22 quarantine since it was enacted. It provides a level  
23 playing field for the industries that ship nursery stock and  
24 other regulated articles interstate.

25       Without the existence of the federal quarantine,

1 individual states, most likely, and I almost would guarantee  
2 it, will pass their own state quarantine. This is going to  
3 make it very difficult, because there might be 50  
4 quarantines established with different kinds of standards  
5 that would be applied, very difficult for the nursery  
6 industry to separate them and certify them to the various  
7 states.

8       In recent years, imported fire ant populations  
9 within the quarantine area have increased in size  
10 exponentially due to the loss of effective control tools and  
11 underfunding for quality control measures within the federal  
12 regulatory program.

13       As the pest population has increased within the  
14 infested area, it has put additional pressures on the  
15 ability of regulatory programs to prevent the spread through  
16 both natural and artificial means. The states need USDA's  
17 continued and increased involvement to prevent IFA spread in  
18 new areas, and development and implementation of biocontrol

19 tools for the suppression of imported fire ant populations  
20 within the infested states.

21 Shipments of regulated articles that are certified  
22 free of imported fire ant are arriving in uninfested states  
23 with imported fire ant present in those shipments. This  
24 should not happen if a plant quarantine program is  
25 effective. The USDA-PPQ needs to provide increased

1 oversight of cooperative programs with the state regulatory  
2 agencies for quarantine compliance.

3       Current funding allocated by PPQ to infested  
4 states for ensuring compliance is not sufficient.  
5 Enforcement of a federal quarantine within an underfunded,  
6 infested state may not be a high priority for the  
7 cooperating state to dedicate state funds for the delivery  
8 of that federal program.

9       The USDA needs to adequately fund these states,  
10 and provide oversight of the state programs to ensure  
11 quarantine and delimiting surveys are being adequately  
12 addressed. Uninfested states are demanding the protection  
13 that a strong enforced federal quarantine is designed to  
14 afford them. Even partially infested states are demanding  
15 this protection.

16       Since 1996, PPQ has funded the imported fire ant  
17 through a \$1 million appropriation. Prior to 1996, funding  
18 was at a much higher level. A \$1 million program does not

19 provide adequate protection. Artificial spread has been  
20 substantive in the recent years due to the reduction of  
21 federal resources into the program. California alone will  
22 spend over \$10 million in the next five years in an attempt  
23 to eradicate imported fire ants. Arizona is also conducting  
24 expensive imported fire ant eradication in Yuma, Arizona.  
25       There are some promising biological control agents

1 that have recently been discovered. Additional funding  
2 would assist in evaluating these new agents in using them to  
3 lower the pest pressure in infested areas. New insect  
4 growth regulators have also proven to be effective in  
5 eradication of newly established infestation outside the  
6 generally infested area. There may be a method to use  
7 biocontrol agents and chemicals in a slow-the-spread program  
8 in the future.

9       For FY '92 (sic), PPQ is proposing three options:  
10 one, maintain the federal quarantine; two, rescind the  
11 federal quarantine and develop model state requirements; or,  
12 three, establish a voluntary self-certification program.  
13 The Nevada Department of Agriculture recommends PPQ maintain  
14 the federal program.

15       I'd like to read a few letters that I will put  
16 into the record from Nevada. The first one is from Jay  
17 Harrison, owner of Plant World Nurseries in Las Vegas:

18       "As a member of the Nevada Board of Agriculture,

19 representing the nursery industry, and the owner of Plant  
20 World Nurseries in Las Vegas, I support the continuation of  
21 the strong federal fire ant quarantine.

22       The Nevada legislature approved additional funding  
23 in the last legislative session to help increase prevention,  
24 detection, and eradication of imported fire ants. These  
25 funds have helped in the detection of five infestations of

1 imported fire ants in Las Vegas last year. Rapid response  
2 to these infestations prevented the establishment and spread  
3 of the fire ants.

4 Without maintaining a strong federal quarantine,  
5 the number of infestations will increase. Detection efforts  
6 may not discover infestations until they become established.  
7 This will increase undesirable effects on the economy,  
8 environment, and public health in Nevada.

9 The nursery industry in Nevada aggressively  
10 supports a strong federal fire ant quarantine. It will not  
11 accept the position from USDA-APHIS Plant Protection and  
12 Quarantine -- that will increase our chances of receiving  
13 infested nursery stock.

14 We feel it is our responsibility, along with the  
15 Nevada Department of Agriculture, to keep pests that may  
16 cause economic, environmental, and public health impact out  
17 of Nevada. Sincerely, Jay Harrison."

18 I have another letter here from the Nevada Pest

19 Control Association:

20 "The Nevada Pest Control Association, Southern  
21 Region, supports the continuation of the federal imported  
22 fire ant quarantine. Without maintaining a strong federal  
23 quarantine, the odds of the entry and establishment of  
24 imported fire ant will dramatically increase. The  
25 establishment of these ants will increase undesirable

1 economic, environmental, public health effects in Nevada.

2       The Nevada Pest Control Association, Southern  
3 Nevada Region, supports continuation of a strong federal  
4 fire ant quarantine in order to prevent undesirable effects  
5 they may cause when they become established."

6       I asked John from Colorado, the Western Plant  
7 Board president, to poll the Western Plant Board, and the  
8 Western Plant Board supports maintaining the quarantine.

9       I have one additional letter that was sent to me  
10 to ask me to present on behalf of Oregon, and it reads:

11       "Thank you for the opportunity to comment on  
12 Docket Number 00-0008-1, concerning USDA's imported fire ant  
13 program. We would like to urge the USDA to maintain the  
14 quarantine and fund a federal cooperative state program that  
15 prevents the artificial spread of this pest to uninfested  
16 areas.

17       Our position is based on three facts: one,  
18 imported fire ant is a serious pest that has negative

19 impacts on human agriculture and native ecosystems; two,  
20 large parts of the United States, especially the West, are  
21 vulnerable and have not yet become infested; three, fire ant  
22 colonies are easily moved in nursery stock and many other  
23 commodities that contact the grounds, even the walls of cars  
24 and rail trucks.

25 Imported fire ants were intercepted in Oregon in

1 railcars full of cottonseed in 1992. Based on the frequency  
2 of interceptions at border stations in California, we  
3 suspect that they actually enter our state and other  
4 infested states many times a year. Most of these  
5 introductions do not cause problems, but recently discovered  
6 infestations in California and New Mexico are proof that  
7 long-distance artificial spread can result in establishment  
8 in new areas.

9       These newly infested area, far from the leading  
10 edge of natural spread, also indicate that the federal  
11 imported fire ant quarantine is leaking. It is probably not  
12 a coincidence that the new infestations are on the rise  
13 while funding and enforcement has fallen."

14       All of the members of the Nevada Department of  
15 Agriculture, the Western Plant Board, believe that the fire  
16 ant quarantine for FY 2000 needs to maintained, and we are  
17 recommending a fourth option for 2001. That would be  
18 increasing the baseline budget of PPQ by \$7.5 million to

19 fund the IFA program. This will require additional money  
20 from Congress, and require that Congress mandate that the  
21 money not be redirected to other PPQ programs. We recognize  
22 that PPQ has other higher plant protection priorities with  
23 their current funding levels.

24       An increase in global trade, new emerging plant  
25 pests, emergency plant protection programs such as Asian

1 long-horned beetle in New York, citrus canker in Florida,  
2 medfly in California and Florida, and now plumpox in  
3 Pennsylvania, have caused PPQ to place an increased emphasis  
4 on AQI activities, and have diminished the amount of funds  
5 available for domestic plant protection programs.

6       AQI and emerging plant pest programs have  
7 rightfully been identified a high priorities within the  
8 Agency for the states as PPQ cooperators. There is still a  
9 need, however, for PPQ to maintain an oversight and  
10 enforcement in domestic plant protection programs.  
11 Therefore, any additional money specifically directed to the  
12 Agency as a result of this effort must be directed  
13 specifically for imported fire ant quarantine and methods  
14 development activity, or they will quickly be targeted by  
15 the Agency for AQI emergency plant programs.

16       We feel that \$1 million of the \$7.5 million --  
17 this is the increase that we believe needs to be put in the  
18 program -- should be directed toward implementation of

19 biocontrol for imported fire ants. There are several things  
20 that are being developed that look very promising. These  
21 need encouraging, trial releases, and evaluation.

22       From the short-term standpoint, biological  
23 controls are needed in infested areas to reduce the pest  
24 pressure that causes natural and artificial spread of  
25 imported fire ant. If the currently high imported fire ant

1 pressure can be reduced within the infested area, the need  
2 for federal oversight and quality control of domestic  
3 quarantine may also be reduced.

4 The Nevada Department of Agriculture and the  
5 Western Plant Board thanks USDA-APHIS-PPQ for the  
6 opportunity to comment on this and offer our complete  
7 cooperation in developing an adequately funded program.

8 The identification of USDA funding for IFA  
9 program -- for the USDA programs, we recommend \$1.3 million  
10 for quarantine and oversight, 100,000 for information and  
11 outreach, 100,000 for investigation of violations, and  
12 \$1 million for development of biocontrol. For state  
13 programs, we recommend a funding of \$3 million, and for  
14 quarantine enforcement and monitoring, we recommend  
15 \$2 million, for a total of \$7.5 million.

16 I firmly believe this is not the time to stop this  
17 program, when we have new chemical tools, new biological  
18 tools on the horizon. I think we can prevent it from

19 becoming established in the western states, and can actually  
20 slow the spread in the future. Thank you.

21 MR. MILBERG: Mr. Gronowski, I have a question.  
22 You mentioned John in Colorado supported the -- I think as  
23 president of the Western Plant Board --

24 MR. GRONOWSKI: He took a poll.

25 MR. MILBERG: I'd like just to get his full name

1 for the record, that's all.

2 MR. GRONOWSKI: Slipped my mind.

3 MR. MILBERG: Gerhardt, is that right?

4 MR. GRONOWSKI: Gerhardt. John Gerhardt took a  
5 poll of the Western Plant Board members, and no dissension,  
6 no dissension at all, to continue the quarantine.

7 MR. MILBERG: And for the reporter, that's  
8 G-E-R-H-A-R-D-T.

9 MR. LIDSKY: Thank you. If you could leave a copy  
10 of your --

11 MR. GRONOWSKI: That's what I intend to do.

12 MR. LIDSKY: -- statement with Sue McAuley. Thank  
13 you very much.

14 Are there any other persons that may have come in  
15 during the recess that were not present earlier that would  
16 like to make a statement for the record?

17 Please come up, sir.

18 GARY HAYAKAWA, THREE-STAR NURSERY

19           MR. HAYAKAWA: First of all, I'd like to thank you  
20 for the opportunity to speak on this important issue. My  
21 name is Gary Hayakawa, Three-Star Nursery here in Orange  
22 County. I am the legislative chairman for the California  
23 Association of Nurserymen. I also serve on the oversight  
24 committee for the county of Orange, representing the nursery  
25 industry.

1           It will be short and concise. It's going to be  
2   where we feel -- the family business has been in the  
3   business for 54 years here in southern California, 25 here  
4   in Orange County, and we really feel that, even though we're  
5   under the quarantine, we still need to have it, to believe  
6   in keeping the ants from spreading, especially up into  
7   Northern California. We need to be able to do the research,  
8   with state and local funds as (phonetic) back East and  
9   Southeast have the funding there.

10          I believe \$7.5 million was mentioned. I was  
11   thinking about 3,000,000, but 7.5 sounds better. The  
12   ability to keep the fire ants at bay in the southeastern  
13   states, and not have it spread throughout Oregon and  
14   Washington, and just -- you know, coming here into  
15   California was bad enough, but to have it even spread even  
16   further, this would prevent the action of keeping the  
17   quarantine in place.

18          So I, on behalf of the California Association of

19 Nurserymen and a family business, would ask that the  
20 quarantine be kept in place, and that \$7.5 million would be  
21 in place for the research and for the system. Thank you.

22 MR. LIDSKY: Thank you, sir. Could you spell your  
23 last name for the benefit of the court reporter, please.

24 MR. HAYAKAWA: Okay. It's H-A-Y-A-K-A-W-A.

25 MR. LIDSKY: Thank you, sir.

1 MR. HAYAKAWA: Thank you.

2 MR. LIDSKY: Any other comments or questions?

3 (No response.)

4 MR. LIDSKY: I'd like to make some closing  
5 remarks. USDA would like to thank everyone for taking time  
6 out of their schedules today to share your comments with us.  
7 We've received some very useful information. We'd like to  
8 thank our cooperators that have come in from out of state,  
9 and people that have traveled within state. It's a big  
10 state, and we know that for the nursery industry this is a  
11 busy time. So we do appreciate it.

12 The comments that were made here today will be  
13 carefully reviewed by the management team of Plant  
14 Protection and Quarantine. That's the Deputy Administrator,  
15 Doctor Rick Dunkle, and the regional directors, and other  
16 top executives of PPQ. They'll also be reviewed by the  
17 National Plant Board and the Regional Plant Board, as well.

18 We appreciate the unequivocal message that has

19 been sent here today, delivered. It's very helpful. Just  
20 as a reminder, we'd like to ask you, if you would, to fill  
21 out the survey. Take a minute or two to do that, and, if  
22 you have any copies of your testimony, to provide it to  
23 Ms. McAuley.

24       Lastly, I'd like to thank Rick Le Feuvre for  
25 helping organize this meeting today. Thank you very much.

1 Any comments from any of the other panel members?

2 MR. MILBERG: Well, I'd like to echo your thanks  
3 to all the states, Nevada, New Mexico, Arizona, for coming  
4 so far to give us your input here, appreciate it.

5 Special thanks to Dan Hammond for getting us the  
6 facilities here, and the hotel that we're in. It's all very  
7 nice. Thank you.

8 MR. LIDSKY: Okay. Without further ado, we'll  
9 adjourn. Thank you very much.

10 (Whereupon, at 11:05 a.m., proceedings in the  
11 above-entitled matter were concluded.)

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1                    CERTIFICATE OF REPORTER

2

3        This is to certify that the attached proceedings

4 before: DEPARTMENT OF AGRICULTURE

5

6 In the Matter of: IMPORTED FIRE ANTS

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12 Case No.:     00-0081

13 Location:     SANTA ANA, CA

14 Date:         3-30-00

15

16

17        were held as herein appears, and that this is the

18 ORIGINAL transcript thereof for the files of the Department

19 of Commission:

20

21 Nancy Paladino

22 Reporter

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24

25